REMARKS

Claims 1-72 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 103(a) Rejections:

The Examiner rejected claims 1-5, 7-18, 23-56, 60-66, 68, 69 and 72 under 35 U.S.C. § 103(a) as being unpatentable over Horman (U.S. Patent 6,785,706) in view of Mossman (U.S. Publication 2002/0124061), and claims 6, 19-22, 57-59, 67 and 71 as being unpatentable over Horman in view of Mossman, in further view of Shafron et al. (U.S. Publication 2003/0014479) (hereinafter "Shafron"). Applicant traverses this rejection for at least the following reasons.

Regarding claim 1, contrary to the Examiner's assertion, Horman in view of Mossman fails to teach or suggest *accessing a plurality of configuration files on the intelligent device, wherein each of the one or more configuration files includes configuration information for one of a plurality of software components of the intelligent device.* The Examiner cites Horman (abstract; column 1, line 66 – column 2, line 6). However, these citations describe an administrative control server configured to change the configurations of administered servers according to synchronization instructions generated from configuration information stored on the administrative control server. There is nothing in these citations, or elsewhere in Horman, to teach or suggest <u>accessing a plurality of configuration files on the intelligent device</u> (for which a batch configuration document is generated), as recited in claim 1. Also, there is nothing in Horman to teach or suggest one or more configuration files, each <u>including configuration information for one of a plurality of software components of the intelligent device</u>, as recited in claim 1. The configuration information stored on the administrative control server of Horman instead includes items describing <u>server configurations</u>, such as which administered servers are in the environment, the group each administered server belongs to, and which version of end-user applications an administered server is running (column 5, line 64 –

column 6, line 5), not information for configuring individual software components on an intelligent device.

The Examiner admits, in the Office Action dated March 20, 2006, that Horman does not explicitly teach the configuration files being accessed on the intelligent device itself. The Examiner submits that Mossman teaches this limitation in the abstract and FIG. 5. However, the Examiner is incorrect. FIG. 5 and its accompanying description clearly depict configuration documents 132 on the server, not on an intelligent device to be configured. Similarly, FIG. 3 of Mossman illustrates configuration parameters relations database 64 and parameter values database 60 on configuration system 10, which is on the server side of system 100 (see FIG. 5). Paragraph [0078] includes the following description of the operation of Mossman's configuration system 10:

> The aggregation phase 82 is an interactive state in which data to be applied to the system 12 is collected from the user 20 and stored in the parameters values database 60. For example, a graphical user interface (GUI) is displayed in display output 50 to the user 20 using information from the configuration parameter relations database 64 and formatted by the display formulation module 56 and the parameter display 54. The GUI display of information facilitates the collection of data, handled by the parameter selection module 58, that will be applied to accomplish the programming task.

As illustrated in FIGs. 3 and 5, data is collected from the user (not accessed from a configuration file on an intelligent device) and stored in the parameters values database 60 on the server. Information displayed for the user comes from configuration parameter relations database 64, which is also on the server. Therefore, the Examiner's additional citations in Mossman do not overcome the deficiency of Horman in teaching or suggesting *accessing a plurality of configuration files on the intelligent device*, as recited in claim 1.

The Examiner submits that at the time the invention was made, one of ordinary skill in the art would have been motivated to access configuration files on an intelligent device in order to configure a plurality of parameters of a target device, therefore optimizing the device for its intended use (Mossman [0005]). Applicant asserts,

however, that Mossman does not teach or suggest this feature. Furthermore, Horman purposefully changes the configurations of its administered servers without this feature. Therefore, the Examiner has failed to provide sufficient motivation to combine the references.

Further regarding claim 1, contrary to the Examiner's assertion, Horman in view of Mossman fails to teach or suggest *generating the batch configuration document from the plurality of configuration files, wherein the batch configuration document includes the configuration information for the plurality of software components of the intelligent device.* The Examiner cites Horman (column 5, lines 43-55) as teaching this limitation. However, this citation describes generating <u>synchronization instructions</u> based on which batches of <u>synchronization scripts</u> apply to each administered server. There is nothing in this citation, or elsewhere in Horman, that teaches or suggests that these synchronization scripts or synchronization instructions include <u>configuration information for the plurality of software components of the intelligent device</u>, as recited in claim 1.

Finally, regarding claim 1, Horman in view of Mossman fails to teach or suggest *the batch configuration document is accessible for use in configuring the plurality of software components of the intelligent device whose configuration files were used in said generating the batch configuration document,* contrary to the Examiner's assertion. The Examiner cites Horman (column 5, lines 43-55 and line 66 – column 6, line 5) as teaching this limitation. However, as discussed above, neither of these citations teaches or suggests a <u>batch configuration document</u> for <u>configuring a plurality of software components</u> of an intelligent device <u>whose configuration files</u> were used in generating the batch configuration document. As discussed above, there is nothing in Horman or Mossman that teaches or suggests configuration files on an intelligent device or configuring a plurality of software components on the intelligent device whose configuration files were used in generating a batch configurations document.

As the Examiner is no doubt also aware, to establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In*

re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. As discussed above, Horman and Mossman, whether considered individually or in combination, do not teach or suggest all limitations of claim 1. Therefore, the Examiner has failed to establish a *prima facie* rejection of claim 1.

Furthermore, the Examiner has additionally failed to establish a *prima facie* rejection since the Examiner has not established a proper motivation to combine the teachings of Horman and Mossman. Applicant reminds the Examiner that, "It is well-established that before a conclusion of obviousness may be made based on a combination of references, there must have been a reason, suggestion, or motivation to lead an inventor to combine those references." *Pro-Mold and Tool Co. v. Great Lakes Plastics Inc.*, 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1629 (Fed. Cir. Feb. 1996). Applicant asserts that no such reason, suggestion, or motivation is present in the cited references.

Therefore, for at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested.

Applicant's discussion above regarding claim 1 applies also to claims 41 and 66. Furthermore, claim 41 recites "accessing one or more configuration files on each of the plurality of intelligent devices" and "the batch configuration document is accessible for use in configuring the plurality of intelligent devices whose configuration files were used in said generating the batch configuration document." **Since the Examiner has failed to address these differences between claim 1 and claim 41, the Examiner has failed to establish a *prima facie* rejection of claim 41.**

For at least the reasons above, the rejection of claims 41 and 66 is unsupported by the cited art and removal thereof is respectfully requested.

Regarding claim 16, Horman in view of Mossman fails to teach or suggest *accessing a batch configuration document* and *applying the configuration information from the batch configuration document to one or more configuration files ... for one of the*

plurality of software components of the intelligent device, as the Examiner contends. The Examiner rejected claim 16 under the same rationale as claim 1. However, the scope of claim 1 and claim 16 differs. **Since the Examiner failed to address the differences between claims 1 and 16, the Examiner has failed to state a *prima facie* rejection of claim 16.** Furthermore, as discussed above regarding claim 1, the Examiner's references in Horman do not teach a <u>batch configuration document</u> for <u>configuring a plurality of software components</u> of an intelligent device. There is nothing in Horman or Mossman, or the combination thereof, that teaches or suggests *accessing a batch configuration document* and *applying the configuration information from the batch configuration document to one or more configuration files... for one of the plurality of software components of the intelligent device.*

Therefore, for at least the reasons above, the rejection of claim 16 is not supported by the prior art and removal thereof is respectfully requested.

Applicant's discussion above regarding claim 16 applies also to claims 68 and 70, which recite similar limitations for a tangible, computer-accessible medium comprising program instructions computer-executable to implement accessing a batch configuration document and applying the configuration information from the batch configuration document to one or more configuration files for one of the plurality of software components of an intelligent device. The Examiner rejected claim 70 under the same rationale as claim 41, which was rejected for the same reasons as claim 1. However, the scope of claim 1 and claim 70 differs. **Since the Examiner failed to address the differences between claims 1 and 70, the Examiner has failed to state a *prima facie* rejection of claim 70.**

For at least the reasons above, the rejection of claims 68 and 70 is not supported by the prior art and removal thereof is respectfully requested.

Regarding claim 33, contrary to the Examiner's assertion, Horman in view of Mossman fails to teach or suggest *generating a batch configuration document from a*

plurality of configuration files on a first intelligent device and configuring one or more software components of a second intelligent device using the batch configuration document generated on the first intelligent device. The Examiner rejected claim 33 under the same rationale as claim 1. However, the scope of claim 1 and claim 33 differs. The Examiner's citations in Horman fail to teach or suggest generation of a batch document for configuring software components of an intelligent device. There is also nothing in Horman or Mossman, or the combination thereof, that teaches or suggests generating this batch configuration document on a first intelligent device and using it to configure software components on a second intelligent device, as recited in claim 33. **Furthermore, since the Examiner failed to address the differences between claims 1 and 33, the Examiner has failed to state a *prima facie* rejection of claim 33.**

For at least the reasons above, the rejection of claim 33 is not supported by the prior art and removal thereof is respectfully requested.

Regarding claim 48, Horman in view of Mossman fails to teach or suggest *an intelligent device, comprising a processor, a plurality of software components, a plurality of configuration files, wherein each... is associated with one of the plurality of software components, and wherein each... includes configuration information for its associated component, and a memory operable to store program instructions for generating a batch configuration document... from the configuration information accessed from each of the plurality of configuration files ... accessible for use in configuring the plurality of software components in the intelligent device,* as the Examiner contends. The Examiner rejected claim 48 under the same rationale as claim 1. However, the scope of claim 1 and claim 48 differs. **Since the Examiner failed to address the differences between claims 1 and 48, the Examiner has failed to state a *prima facie* rejection of claim 48.**

Moreover, as discussed above, the Examiner's citations in Horman fail to teach or suggest generation of a batch document for configuring software components of an intelligent device. There is also nothing in Horman or Mossman, or the combination thereof, that teaches or suggests an intelligent device comprising a plurality of software

components, each with one or more configuration files, and a memory comprising program instructions for generating such a batch configuration document from configuration information in the configuration files, as recited in claim 48.

For at least the reasons above, the rejection of claim 48 is unsupported by the prior art and removal thereof is respectfully requested.

Regarding claim 56, contrary to the Examiner's assertion, Horman in view of Mossman fails to teach or suggest *a plurality of software components* and *a plurality of configuration files, wherein each of the plurality of configuration files is associated with one of the plurality of software components, and wherein each of the plurality of configuration files includes configuration information for its associated component*. The Examiner cites Horman (abstract; column 1, line 66 – column 2, line 6) as teaching these limitations. However, as discussed above, neither of these passages describes configurable software components of an intelligent device, with associated configuration files including configuration information for the software components, as recited in claim 56.

Further regarding claim 56, Horman in view of Mossman fails to teach or suggest *the batch configuration document comprises configuration information for the plurality of software components of the intelligent device* and *apply the configuration information from the batch configuration document to the plurality of configuration files on the intelligent device*. The Examiner refers to Horman, figure 5A, as teaching these limitations. However, figure 5A describes a synchronization procedure in which parameters of sync scripts may be replaced with new values before being downloaded and executed on an administered server to synchronize it with its group. There is nothing in figure 5A, or elsewhere in Horman, that teaches or suggests applying configuration information from a batch document to configuration files located on the intelligent device, as recited in claim 56.

In the Office Action dated March 20, 2006, the Examiner admits that Horman

does not explicitly teach the configuration files being accessed on the intelligent device itself. The Examiner submits that Mossman teaches this limitation in the abstract and FIG. 5. However, the Examiner is incorrect. As discussed above, FIG. 5 and its accompanying description clearly depict configuration documents 132 on the server, not on an intelligent device to be configured. Similarly, FIG. 3 of Mossman illustrates configuration parameters relations database 64 and parameter values database 60 on configuration system 10, which is on the server side of system 100 (see FIG. 5).

As illustrated in FIGs. 3 and 5, data is collected from the user (not accessed from a configuration file on an intelligent device) and stored in the parameters values database 60 on the server. Information displayed for the user comes from configuration parameter relations database 64, which is also on the server. Therefore, the Examiner's additional citations in Mossman do not overcome the deficiency of Horman in teaching or suggesting applying the configuration information from the batch configuration document *to the plurality of configuration files on the intelligent device*, as recited in claim 56.

The Examiner submits that at the time the invention was made, one of ordinary skill in the art would have been motivated to access configuration files on an intelligent device in order to configure a plurality of parameters of a target device, therefore optimizing the device for its intended use (Mossman [0005]). Applicant asserts, however, that Mossman does not teach or suggest this limitation. Furthermore, Horman changes the configurations of its administered servers without this feature. Therefore, the Examiner has failed to provide sufficient motivation to combine the references.

For at least the reasons above, the rejection of claim 56 is not supported by the prior art and removal thereof is respectfully requested.

Regarding claim 8, contrary to the Examiner's assertion, Horman in view of Mossman fails to teach or suggest *configuring the one or more of the plurality of software components of the intelligent device further comprises initializing each of the*

one or more of the plurality of software components, wherein said initializing uses the configuration information from the one or more configuration files associated with the particular component. The Examiner cites Horman, column 7, lines 32-36 as teaching this limitation. However, this passage describes <u>modeling an initial deployment</u> by creating an install image based on the model office administered server. This has nothing to do with <u>configuring a plurality of software components of an intelligent device</u>, nor with initializing the software components using configuration information from associated configuration files.

For at least the reasons above, the rejection of claim 8 is unsupported by the cited art and removal thereof is respectfully requested.

Regarding claim 13, Horman in view of Mossman fails to teach or suggest *the batch configuration document is a markup language document*, as the Examiner contends. The Examiner cites Mossman (paragraph 0091) as teaching this limitation. While this paragraph describes configuration documents that are static files stored in an extensible Markup Language (XML) format, these documents are not <u>batch configuration documents</u>, as recited in claims 1 and 13. Instead, each is a configuration document containing instructions to manage a (single) configuration instance 80. There is nothing in this paragraph, or elsewhere in Mossman, that teaches or suggests a <u>batch configuration document</u> is a markup language document, as recited in claim 13. The Examiner has not cited anything in Horman or Mossman that teaches or suggests this limitation. Furthermore, the Examiner has given no motivation to combine the teachings of Horman and Mossman in his remarks regarding this or any other claim of the present invention, and there is nothing in these references or any other art of record to suggest such a combination.

For at least the reasons above, the rejection of claim 13 is unsupported by the prior art and removal thereof is respectfully requested.

Similar remarks as those discussed above regarding claim 13 apply also to

dependent claims 14-15, 27-29, 35-36, 46-47, 54-55, 62-63, 69, and 72.

Regarding claim 30, Horman in view of Mossman fails to teach or suggest *the method as recited in claim 16, further comprising rebooting the intelligent device after said applying the configuration information from the batch configuration document to the one or more configuration files, wherein said rebooting applies the configuration information from the one or more configuration files to one or more of the plurality of software components of the intelligent device*, as the Examiner contends. The Examiner relies on Mossman (paragraph 0153) to teach this limitation. However, this paragraph teaches away from this limitation, by describing that, "If these settings were established directly to the system 12 a system reboot would be required," but that "in the configuration system 10 of the present invention, the settings and the required reboot invocation are applied to the virtual system 16", rather than directly to the actual system 12. Furthermore, there is nothing in this paragraph or elsewhere that describes that **rebooting** applies configuration information from one or more configuration files to one or more software components of the intelligent device, as recited in claim 30. The Examiner has not cited anything in Horman or Mossman that teaches or suggests this limitation. Finally, the Examiner has given no motivation to combine the teachings of Horman and Mossman in his remarks regarding this or any other claim of the present invention, and there is nothing in these references or any other art of record to suggest such a combination. Therefore, the rejection of claim 30 is unsupported by the prior art and removal thereof is respectfully requested.

Regarding claim 31, Horman in view of Mossman fails to teach or suggest *initializing one or more of the plurality of software components of the intelligent device after said applying the configuration information from the batch configuration document to the one or more configuration files, wherein, in said initializing, each of the one or more of the plurality of software components is initialized using the configuration information from each of the one or more configuration files associated with the particular component*, as the Examiner contends. The Examiner relies on Mossman (paragraph 108) as teaching this limitation. This paragraph describes only that a web

server has the responsibility to "verify that the system output interface 66 can be initialized on start-up". This has nothing to do with initializing one or more software components of an intelligent device after applying configuration information from a batch document to configuration files or with initializing each software component using configuration information from its associated configuration file. Nowhere does Horman, Mossman, or any combination thereof, teach or suggest this limitation. Furthermore, the Examiner has given no motivation to combine the teachings of Horman and Mossman in his remarks regarding this or any other claim of the present invention, and there is nothing in these references or any other art of record to suggest such a combination. Therefore, the rejection of claim 31 is unsupported by the prior art and removal thereof is respectfully requested.

Regarding claim 6, the Examiner admits that Horman in view of Mossman and Shafron fails to teach or suggest *generating the batch configuration document comprises generating a Document Object Model (DOM) tree from each of the accessed configuration files, wherein the configuration information incorporated in the configuration document is accessed from the DOM trees generated from the plurality of configuration files*. The Examiner relies on Shafron as teaching this limitation and cites paragraphs 0005, 0032, and 0052. These paragraphs describe scripts that may be used to manipulate a Document Object Model (DOM), such as for adding functionality to a web page. This has nothing to do with generating a Document Object Model (DOM) tree from each of a plurality of accessed configuration files.

The Examiner submits that at the time the invention was made, one of ordinary skill in the art would have been motivated to generate a DOM tree because DOM allows programs and scripts to access and update the content, structure, and style of documents dynamically. However, the Examiner has cited nothing in the prior art references or any other art of record to suggest such a modification, nor is any such suggestion present in these references.

Therefore, for at least the reasons above, the rejection of claim 6 is not supported

by the prior art and removal thereof is respectfully requested.

Similar remarks apply also to claims 21, 50, and 67 which recite limitations involving generating one or more DOM trees comprising information from one or more configuration files; to claims 19, 57, 58, and 71, which recite limitations involving generating a DOM tree comprising information from a batch configuration document; and to claims 20, 22, 57, 59, and 71, which recite limitations involving applying information from a DOM tree to a configuration file associated with a component, all of which the Examiner submits are taught by Shafron in paragraph [0005], [0032], and [0051]. Applicant asserts that these paragraphs do not teach all the limitations of these claims, as the Examiner's citations have nothing to do with generating or accessing DOM trees containing information from or for configuration files. In addition, the Examiner has not established a proper motivation to combine the cited references to teach the limitations of these claims in his remarks regarding these claims.

For at least the reasons above, the rejection of claims 19-22, 50, 57-59, 67, and 71 is unsupported by the cited art and removal thereof is respectfully requested.

Applicant also notes that in the Office Action dated March 20, 2006, the Examiner failed to mention claims 67 and 71 in his remarks regarding their rejection. As discussed above, the limitations of these claims are not taught or suggested by Horman in view of Mossman and Shafron.

In addition, the Examiner submitted that claims 48-55 are similar to claims 41-47 and rejected claims 48-55 under the same rationale as claims 41-47. However, claim 50 is directed toward completely different subject matter than claims 41-47. The Office Action of March 20, 2006 does not include any remarks by the Examiner addressing the subject matter of claim 50, which, as discussed above, is not taught or suggested by Horman in view of Mossman.

Similarly, the Examiner rejected claims 43-44 under the same rationale as claims

3-4. However, the scope of claim 43 and claim 3 differs, and claim 44 is directed toward completely different subject matter than claim 4. Applicant notes that the Examiner failed to address the differences between claims 43 and 3, and failed to include any remarks regarding the subject matter of claim 44.

Applicant reminds the Examiner that in order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). Since the Examiner failed to even attempt to establish *prima facie* case of obviousness in his rejection of claims 43-44, 50, 67, and 71, the rejection of these claims is improper.

For at least the reasons above, the rejection of claims 43-44, 50, 67, and 71 is unsupported by the cited art and removal thereof is respectfully requested.

Applicant also asserts that numerous other ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

The Examiner stated that the arguments presented in Applicant's previous response were found to be persuasive and that the previous rejection was withdrawn, but that claims 1-72 were rejected on new grounds in the present Office Action. However, Applicant notes that the Examiner has not included any new or additional arguments in his remarks regarding the rejection of many of the claims, including claims 2-5, 7-15, 17-18, 20-32, 34-40, 42-47, 49-55, 57-65, 67, and 69-72.
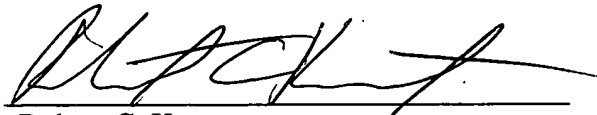
CONCLUSION

Applicant submits the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-78701/RCK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☐ Petition for Extension of Time

☐ Notice of Change of Address

☐ Other:

Respectfully submitted,

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